

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

Case Number: 11-828 M(NJ)

A priority parcel with delivery confirmation number 0310 0480 0001 8838 4820, mailed on February 2, 2011. This parcel bears a handwritten label addressed to Natasha Johanson, 2153 N 37th St., Milwaukee, WI 53208 and bears the return address of Jay Suaarez, 149 S Cantu Ave., Weslaco, TX 78596. The parcel is 6 inches by 12 inches by 12 inches, weighs approximately 7 lbs. 9.8oz., and bears \$16.20 in postage.

I, Mark Spellman, being first duly sworn depose and state:

I am a United States Postal Inspector assigned to the Milwaukee Field Office of the United States Postal Inspection Service, and have reason to believe that in:

A priority parcel with delivery confirmation number 0310 0480 0001 8838 4820, mailed on February 2, 2011. This parcel bears a handwritten label addressed to Natasha Johanson, 2153 N 37th St., Milwaukee, WI 53208 and bears the return address of Jay Suaarez, 149 S Cantu Ave., Weslaco, TX 78596. The parcel is 6 inches by 12 inches by 12 inches, weighs approximately 7 lbs. 9.8oz., and bears \$16.20 in postage.

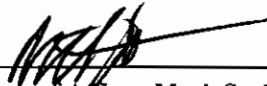
in the Eastern District of Wisconsin there is now concealed certain property, namely: **Please see attached affidavit, which is hereby incorporated by reference.**

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure): **A quantity of a controlled substance, or other evidence of using the mail to facilitate the possession and/or distribution of a controlled substance in violation of title 21 U.S.C. § 843(b). Please see attached affidavit.**

The facts to support a finding of Probable Cause are as follows: **Please see attached affidavit.**

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence


Signature of Affiant: Mark Spellman


Feb 7th, 2011

Date and time issued

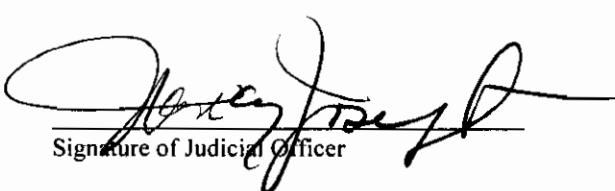
at Milwaukee, Wisconsin

City and State

HONORABLE NANCY JOSEPH

United States Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Mark Spellman, being duly sworn on oath, state as follows:

1. I am a United States Postal Inspector currently assigned to the Milwaukee Field Office of the United States Postal Inspection Service. I have been employed as a Postal Inspector for over 19 years. My primary duties include investigating mailing of suspected controlled substances. As a Postal Inspector, I have been involved in several investigations of narcotics trafficking through the United States mail. Based upon my experience as a federal law enforcement officer, I know that the United States mails are used to deliver controlled substances.

2. The information contained in this affidavit is either the result of personal observations and investigation or has been relayed to me by other law enforcement agents or citizen witnesses, all of whom I believe to be reliable.

3. The Postal Inspection Service has implemented a U.S. Mail Narcotic Interdiction program nationwide. This program consists of a physical inspection of mail parcels which have been mailed to or from locations throughout the country. Packages bearing identifiable characteristics of drug parcels are subjected to a certified narcotics dog trained to detect controlled substances.

4. This affidavit is submitted in support of an application for a search warrant for a 6 inch by 12 inch by 12 inch Priority parcel, mailed on February 2, 2011, delivery confirmation number 0310 0480 0001 8838 4820. This parcel bears a handwritten label addressed to Natasha Johanson, 2153 N 37th St., Milwaukee, WI 53208 and bears the return address of Jay Suaarez, 149 S Cantu Ave., Weslaco, TX 78596. The parcel weighs approximately 7 lbs. 9.8oz., and bears \$16.20 in postage.

5. On February 3, 2011, Postal Inspector Bryan Watts of the McAllen, Texas Field Office contacted Inspectors of the Milwaukee Field Office regarding a suspicious Priority Mail Parcel from Weslaco, TX, going to Milwaukee, Wisconsin.

6. The parcel originated from Texas, which is a known source state for narcotics. The parcel contains fictitious return address information. Inspectors have determined there is no such address as 149 S. Cantu Ave., Weslaco, TX 78596. Your affiant has determined from Postal Management that no one by the name Natashaa Johonson is listed or receives mail at the 2153 N 37th St., Milwaukee, WI 53208 address. Your affiant by his training and experience knows that parcels which contain controlled substances use fictitious return address information.

7. On February 7, 2011, Inspector Spellman picked up the parcel described in paragraph 4 and made arrangements to bring a narcotics detecting canine from the Milwaukee Police Department to the Milwaukee Postal Inspection Service office. On this same date, I met with Milwaukee Police Detective Eugene S. Nagler and his canine, "Duke," who are trained and certified in the detection of dangerous drugs by the North American Police Work Dog Association. Detective Nagler and "Duke" were originally certified on June 25, 2004, and are recertified annually with a recent recertification on June 2, 2010. The controlled substances they are certified in detecting include marijuana, heroin and cocaine. Detective Nagler stated "Duke" has alerted, over 500 times including training, to the presence of controlled substances he is trained to detect. "Duke's" alerts have been the basis for more than 100 search warrants, and more that 100 searches of motor vehicle. In addition, according to Inspection Service records "Duke"

has successfully alerted to controlled substances on U.S. Mail Parcels and letters on 26 occasions since February of 2008, for a success rate of 100%.

8. On February 7, 2011, Inspector Spellman placed the aforementioned parcel on the ground in the Milwaukee Inspection Service Office with five other similar parcels. "Duke" alerted on the parcel bearing the Natashaa Johonson, 2153 N 37th St., Milwaukee, WI 53208 address described in paragraph 4 above, by scratching and biting at the parcel. Detective Nagler advised these actions are consistent with "Duke" detecting the odor of controlled substances. "Duke" did not alert on any of the other five parcels.

9. I believe that, based upon the evidence described above, there is probable cause to indicate that the contents of the parcel the address of Natashaa Johonson, 2153 N 37th St., Milwaukee, WI 53208 is drug related, and may thus be evidence of using the mail to facilitate the possession and/or distribution of a controlled substance, in violation of Title 21, United States Code 843(b).